

DT: 6/ 18/ 2008
TO: CRWG George Givens
DWQ Tom Reeder
FR: Land Alliance
RE: Final IDEAS FOR AGREEABLE RULES:



Following Concept List for AGREEABLE RULES in addition to previous understandings :

STUDY AND SUNSET:

- 1) Fund study of "Innovative Storm Water Management" and Require use of DNA testing.
(Study scopeing Authorized under G.S. 113A-251 2007 Session
(Study to be paid for by CWTF.)
- 2) Study of need for Rules to Find and Fix failing Septic Tanks or WWT Systems.
(Study to be paid for by CWTF.)
- 3) Study of need for Rules for Use of Gas, Oil, Grease absorbers in existing Storm Drains.
Funded by CWTF funds.
(Study to be paid for by CWTF.)
- 4) Sunset the Law in 3 years. (Water Quality rules should be based on real science.
A SunSet will induce the Agency to develop valid science as a basis for " Rules that will Work".)

RULES:

- 5) 12% & Wet Ponds: With shift to 12% IS for LD 1/2 mile to SA waters, it is critical to allow Retention Ponds in the rules, and allow discharge thru a Vegetated Filter, not an infiltration device.
- 6) 2" Rain Cap: Cap the greater of 1.5" or 24 hr storm from IS at 2" Total.
Or, Treat only the excess from over 12% / 24% IS.
(DWQ Staff says the 24 Hr storm requirements are not that much more than 1.5",
so a 2" cap should not be a problem.
This is Critical to allow building of schools, and other government buildings.)
- 7) Pervious D/W: Conversation with DWQ Staff indicates 100% credit for Pervious Driveways.
(This helps rural lot owners with long driveways. Otherwise, they will have to have major Permits.)
- 8) 30' Buffer: 30' Buffer (not 50' new / 30' existing) with CAMA definitions and CAMA encroachment hearing process. (It is possible that even the 30' CAMA buffers (rules passed in late 90's) may be the cause of any FC pollutants from LD development.
(We understand that some GA members want this change.)
- 9) Grandfather: Need better Grandfather & Redevelopment Language.
- 10) Definitions: A) "Pocket of High Density" defined as exceeding "Low Density" definition for a described area.
B) Need better definition of SA waters boundaries. > Still Trying .<
C) ~~Vegetated Buffers can include Wetlands.~~ > Done? <
D) Remove requirements of "all infiltration retained on site" .
This is impossible. Water must eventually flow off site some how, or lots will become ponds.
E) Confirm that Pervious Driveways are not included in 10,000SF impervious BUA.
- 11) Implementation Date : Set implementation date for later of Jan. 1, 2009 or 30 Days after distribution of Low Impact Development BMP manual.
(Current understanding is that the LID BMP is not complete.
It is hard to understand how DWQ or the GA can impose rules when critical design criteria for the proposed development forms are not yet available.)

These suggestions would:

Provide more rigorous interim rules , but not be so damaging to the fragile coastal economy ,
Set up 3 studies to determine ways to improve water quality based on valid science.
Encourage development of science based rules before the Sunset Date.

Thank you for consideration of these suggestions.

QUESTIONS: We would appreciate the courtesy of a response to our Questions about Septic Tanks, Mold and Mildew, Flood Insurance, and Termites problems that may be created by these rules. (Copy attached.)

Bill Price
Land Alliance of North Carolina